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Update No. 78
03-09

TO: Persons Holding Copies of the San Diego County Zoning Ordinance
FROM: Department of Planning and Land Use
RE: AMENDMENT PAGES FOR THE COUNTY ZONING ORDINANCE

Attached are pages containing changes to the San Diego County Zoning Ordinance amended by the adoption of Ordinance No. 9971 (New Series). The ordinance amendments consist of the new MET Facilities Temporary Use Type. These amendment pages are known as POD 08-015 adopted by the Board of Supervisors on February 25, 2009.

Please substitute these pages in your copy of the Zoning Ordinance by removing the obsolete page(s) and adding new page(s) as follows:

REMOVE	ADD	SECTION CHANGES/DESCRIPTION
Def. L -M (1 page)	Def. L -M (1 page)	Definition of MET Facility added in Def. M
Def. W-Z (1 page)	Def. W-Z (1 page)	Definition of Wind Turbine amended in Def. W
4615-4631 (2 pages)	4615-4631 (2 pages)	Permitted Exemptions to Height Limits amended to include MET Facilities in 4620.k
5761-5799 (1 page)	5761-5799 (1 page)	Fix typo from previous update in 5762
6100-6108 (1 page)	6100-6108 (1 page)	Identification of permitted temporary uses, MET Facilities added in 6102.k
6110-6123 (5 pages)	6110-6123 (5 pages)	New MET Facilities section added in 6123 and Temp. Use Section reorganized

Upon insertion of these pages, we suggest you fill in the space provided for Update No.78 inside the front cover of your Zoning Ordinance. This will serve as a record that your copy has been updated.

If you have questions regarding this update, please contact Carl Stiehl at (858) 694-2216.

Jeff Murphy, Deputy Director
Advance Planning Division

Lower-Income Household: A household which cannot obtain decent, safe, and sanitary housing without assistance, as determined pursuant to standards established by the Board of Supervisors.

(Added by Ord. No. 5781 (N.S.) adopted 6-4-80)

DEFINITIONS (M)

Main Building: A building or structure which is devoted primarily to a principal use or uses; or, the only building on a lot or building site.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

Major Use Permit: (See Use Permit, Major)

Manufactured Home: (See Mobilehome)

(Added by Ord. No. 6215 (N.S.) adopted 1-13-82)

Manufacturing Zone: A zone including a use regulation set forth in Sections 2500 through 2599, inclusive.

(Added by Ord. No. 5508 (N.S.) adopted 5-16-79)

Massage Parlor: An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the State of California.

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

Master Antenna Television (MATV) System: A facility as described in Cable Television (CATV) System, but differentiated from the definition of a (CATV) System by virtue of (a) serving fewer than 50 subscribers, or (b) serving only the residents of an apartment dwelling under common ownership and consisting of not more than two buildings, or (c) providing service without charge.

Materials Recovery Facility: A facility that accepts source-separated or commingled recyclable materials, usually in an enclosed building, from collection facilities and the public; processes the materials into resalable condition, and markets the materials to companies for reuse. The end-products are materials recovered through the process. A materials recovery facility is considered to be a General Industrial use type and as such is permitted in the same locations and under the same conditions as other general industrial uses.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)

Mentally Retarded Facility: A resident school, resident care facility, family home (mentally retarded), nursery or day care center, all as defined in Article 2 of Subchapter 1 of Title 9 of the California Administrative Code.

Def. M

Meteorological Testing (MET) Facility: A tower with or without guy wires and any other equipment with a component, such as an anemometer or SODAR device, to measure meteorological phenomena, such as wind speed, wind direction, air pressure, rain, snow or sun exposure. A MET Facility shall not include a Wind Turbine.

(Added by Ord. No. 9971 (N.S.) adopted 02-25-09)

Mezzanine or Mezzanine Floor: An intermediate floor placed in any story or room. When the total area of any such Mezzanine Floor exceeds 33 1/3 percent of the total floor area in that room, it shall be considered as constituting an additional story. The clear height above or below a Mezzanine Floor construction shall be not less than 7 feet. An enclosed Mezzanine shall be counted as a story.

(Amended by Ord. No. 7048 (N.S.) adopted 10-09-85)

Mini-Mobilehome Park: A mobilehome park subject to the regulations of Sections 6530 through 6544, inclusive.

(Added by Ord. No. 5612 (N.S.) adopted 10-10-79)

Minor Use Permit: (See Use Permit, Minor)

Mobilehome: A structure designed and equipped to contain not more than two dwelling units to be used with or without a permanent foundation, and which is in excess of 8 feet in width or in excess of 40 feet in length. Mobilehome, as used herein, is further defined in Section 18211 of the Health and Safety Code and includes Manufactured Home as defined in Section 18007 of the Health and Safety Code.

(Amended by Ord. No. 5717 (N.S.) adopted 3-19-80)

(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)

(Amended by Ord. No. 6372 (N.S.) adopted 6-09-82)

Mobilehome Lot: An area or tract of land or portion of a mobilehome park or mobilehome subdivision designated or used for the occupancy of one mobilehome.

(Amended by Ord. No. 5717 (N.S.) adopted 3-19-80)

(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)

Mobilehome On a Private Lot: A mobilehome which has been placed on a permanent foundation system pursuant to the Mobilehome on Private Lot Regulations.

(Amended by Ord. No. 5717 (N.S.) adopted 3-19-80)

(Amended by Ord. No. 6215 (N.S.) adopted 1-13-82)

Mobilehome Park: An area or tract of land where 2 or more mobilehome lots are rented or leased or held out for rent or lease to accommodate mobilehomes for human habitation; provided that mobilehome park does not include:

- a. premises on which any trailer coaches are parked for inspection and sale;

Wind Turbine: A device which converts the kinetic energy of the wind into a useable form of electrical energy. A Wind Turbine is not a Meteorological Testing (MET) Facility.

(Added by Ord. No. 6857 (N.S.) adopted 10-10-84. Opr. 1-1-85)
(Amended by Ord. No. 9971 (N.S.) adopted 02-25-09)

Wind Turbine System, Small: An installation consisting of no more than one wind turbine with a maximum blade swept area of 220 square feet. This area shall be measured in the vertical plane perpendicular to the wind direction. (A 220 square foot blade swept area corresponds approximately with a blade diameter of 16.5 feet for a conventional horizontal axis wind turbine.)

(Added by Ord. No. 7117 (N.S.) adopted 4-23-86)

Wind Turbine System, Medium: An installation consisting of one or two wind turbines in which the sum of the blade swept area of the turbines is greater than 220 square feet but no more than 850 square feet. This area shall be measured in the vertical plane perpendicular to the wind direction. (A 850 square foot blade swept area corresponds approximately with a blade diameter of 33 feet for one conventional horizontal axis wind turbine).

(Added by Ord. No. 7117 (N.S.) adopted 4-23-86)

Wind Turbine System, Large: An installation consisting of one or more wind turbines in which the sum of the blade swept area of all turbines is greater than 850 square feet, or three or more wind turbines of any size. This area shall be measured in the vertical plane perpendicular to wind direction. No individual wind turbine shall have a blade swept area greater than 6400 square feet. The "Wind Turbine System, Large" shall be classified as a Major Impact Services and Utilities use type.

(Added by Ord. No. 7117 (N.S.) adopted 4-23-86)

Wind Turbine, Non-operational: Any wind turbine(s) whose power output (in kilowatt hours) for any consecutive 12 months is less than 10% of the expected power output. The expected power output for commercial wind turbines shall be the amount claimed in the company's prospectus.

(Added by Ord. No. 7117 (N.S.) adopted 4-23-86)

Wood Waste: Lumber and wood products but excluding painted wood, wood treated with chemicals, and pressure treated wood.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)

Wood and Green Waste Composting Facility: A facility where wood and/or green waste decompose in a controlled environment into compost, soil amendment or other products. A composting facility may employ mechanical equipment to turn the piles and provide aeration. Composting may be conducted within an enclosed building or in the open such as in windrow composting. Backyard composting by homeowners and composting of material generated by an agricultural operation for the purpose of mulching or soil amendment on property in the same ownership as that where composting takes place shall not be considered a Wood and Green Waste Composting Facility. The composting of

Def. W

municipal sewage sludge shall also not be considered a Wood and Green Waste Composting Facility even if such composting operation utilizes wood or green waste.

(Added by Ord. No. 8058 (N.S.) adopted 4-15-92)

DEFINITIONS (Y)

Yard: An open, unoccupied space, other than a court, unobstructed from the ground to the sky, except as otherwise provided by this ordinance, on the lot on which a building is situated.

Yard, Front: The yard between a front lot line or lines and the line defined by the required front yard setback.

Yard, Rear: The yard between a rear lot line or lines and the line defined by a required rear yard setback.

Yard, Side: The yard between a side lot line or lines and the line defined by a required side yard setback, extending from the front to the rear yard.

Yard, Side, Exterior: A side yard abutting a street.

Yard, Side, Interior: A side yard other than an exterior side yard.

DEFINITIONS (Z)

Zone: A mapped area to which a uniform set of regulations applies, or a uniform set of regulations described by a use designator, an animal designator, a development designator, and an optional special area designator.

(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)

4615 ADDITIONAL STORY PERMITTED.

- a. Where the average slope of a lot is greater than one foot rise or fall in 7 feet in the area of the lot bounded by a line drawn 5 feet outside the building perimeter or, where closer, along property lines, an additional story may be permitted in a residential building which is located on the downhill side of a street, provided that in no case shall such a building have a height measured in feet greater than that permitted by the applicable height designator. Basements or cellars within such buildings will only be permitted if the grade elevation at all points adjacent to the basement perimeter is not more than 2 feet below the finished floor elevation directly above. This subsection (a) shall not apply to through lots or corner lots.

- b. An additional story may be permitted in a main dwelling with a primary residential use upon issuance of an Administrative Permit, provided that in no case shall the main dwelling have a height measured in feet greater than that permitted by the applicable height designator. The Administrative Permit Procedure at Section 7050 through Section 7099 shall apply. Notice of the administrative permit application shall be given to all property owners within a distance of 300 feet from the applicant's property. The Director may approve said administrative permit provided the following findings are made:
 1. The additional story will be in harmony with scale and bulk of dwellings on adjacent properties in the same zone, and will be compatible with the existing neighborhood character in the vicinity of the property; and
 2. The additional story will not create a safety hazard, obstruct, interrupt or detract from existing views or be detrimental to surrounding properties in the same zone.

This subsection (b) shall not apply to basements proposed or existing within the main dwelling as basements are not considered a story.

(Amended by Ord. No. 6134 (N.S.) adopted 7-22-81)
 (Amended by Ord. No. 6855 (N.S.) adopted 10-10-84)
 (Amended by Ord. No. 7048 (N.S.) adopted 10-09-85)
 (Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)
 (Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

4620 PERMITTED EXCEPTIONS TO HEIGHT LIMITS.

The following structures shall be exempt from the maximum height provisions of an applicable height designator:

- a. Radio and television receiving antennas no more than 200 feet in height of the type customarily used for home radio and television receivers.

- b. Transmitting antennas no more than 200 feet in height used by licensed amateur (ham) or citizens band radio operators.

- c. Flagpoles no more than 50 feet in height; provided, however, that flagpoles used as signs or attention-attracting devices shall be subject to the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.

4620

- d. Signs no more than 50 feet in height except as otherwise limited by the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.
- e. Grain elevators, silos, water tanks, barns, and all other structures functionally used for agriculture which are located in agricultural zones or S92 Use Regulations; provided that no such structure shall be more than 50 feet in height.
- f. Chimneys no more than 100 feet in height located in industrial zones; and all other chimneys extending no more than 3 feet above the highest point on the roof of the building to which they are attached.
- g. Any structure for which a Major Use Permit is granted pursuant to other provisions of this ordinance, when the Major Use Permit authorizes an exemption to the height regulations.
- h. Any structure used primarily to contain or support an Essential Services use.
- i. Solar energy collection equipment extending not more than 5 feet above the highest point of the roof.
- j. Wind turbines, windmills, wind-driven water pumps and appurtenant structures required for the function thereof.
- k. Meteorological Testing (MET) Facility of less than 200 feet in height permitted in accordance with Section 6123.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 5574 (N.S.) adopted 8-1-79)

(Amended by Ord. No. 6091 (N.S.) adopted 7-1-81)

(Amended by Ord. No. 6268 (N.S.) adopted 4-14-82)

(Amended by Ord. No. 6857 (N.S.) adopted 10-10-84. Opr. 1-1-85)

(Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)

(Amended by Ord. No. 9971 (N.S.) adopted 02-25-09)

4622 EXCEPTIONS TO HEIGHT LIMITS WITH MINOR USE PERMIT.

Except as otherwise provided by Section 4620, the following structures may be erected and maintained above the maximum height permitted by an applicable height designator upon the issuance of a minor use permit therefore; provided, however, no such structure above such height limit shall be used for sleeping or eating quarters or for any commercial purpose other than such as may be incidental to the permitted uses of the main building:

- a. Radio and television receiving antennas greater than 200 feet in height of the type customarily used for home radio and television receivers.
- b. Transmitting antennas greater than 200 feet in height used by licensed amateur (ham) radio operators; and all transmitting antennas used by other than licensed amateur (ham) or citizens band radio operators.

- c. Flagpoles greater than 50 feet in height; provided, however, that flagpoles used as signs or attention-attracting devices shall be subject to the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.
- d. Signs greater than 50 feet in height except as otherwise limited by the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.
- e. Grain elevators, silos, water tanks, barns, and all other structures greater than 50 feet in height functionally used for agriculture which are located in agricultural zones or S92 Use Regulations; grain elevators silos, and water tanks not located in agricultural zones or S92 Use Regulations.
- f. Chimneys greater than 100 feet in height located in industrial zones; and all other chimneys extending more than 3 feet above the highest point on the roof of the building to which they are attached.
- g. Towers, gables, spires, steeples, sundecks, scenery lofts, cupolas, and similar structures and necessary mechanical appurtenances; provided, however, that no such structure may extend more than 20 feet above the maximum height specified by the applicable height designator if of combustible materials.
- h. Penthouse; provided, however, that no penthouse shall exceed 28 feet in height above the roof when used as an enclosure for tanks or for elevators which run to the roof and in all other cases shall not extend more than 12 feet in height above the roof; and further provided, however, that the aggregate area of all penthouses and other roof structures shall not exceed 33-1/3 percent of the area of the supporting roof.
- i. Solar energy collection equipment.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
 (Amended by Ord. No. 5574 (N.S.) adopted 8-1-79)
 (Amended by Ord. No. 6091 (N.S.) adopted 7-1-81)
 (Amended by Ord No. 9690 (N.S.) adopted 12-15-04)

4630 HEIGHT OF FENCES.

The height of fences shall be regulated by the Fencing and Landscaping Regulations commencing at Section 6700.

4631 HEIGHT OF GUARD RAILINGS.

The height of guard railings for safety protection around depressed ramps, openwork fences, hedges or landscape architectural features shall be regulated by the Setback Regulations at Section 4835.

1. The project will not result in any driveway intersecting with the frontage street if the building site has public vehicular access available from an alley or side street, except that an existing driveway may be retained in the following situations: (1) where a structure is involuntarily damaged or destroyed and is reconstructed, repaired, or rebuilt in accordance with The Zoning Ordinance, or (2) where an existing structure is expanded or renovated in accordance with The Zoning Ordinance. If the building site has no public vehicular access available from an alley or side street, any proposed driveway shall be of minimum permitted width and serve on-site parking and/or loading at the rear of the lot or at such other location as may be approved in accordance with these regulations and the applicable Design Guidelines Manual.
2. The number of spaces shall be determined in consideration of the parking generation characteristics of the proposed use and the physical limitations of the site. The number of spaces shall be as close as possible to the number which would be required if the Special Parking District did not exist, except that for buildings constructed pursuant to a building permit issued after June 17, 1994, the number of spaces shall not be reduced to less than 75 percent of the number which would be required if the Special Parking District did not exist.
3. Notwithstanding any other provision of this section, if a structure in a Special Parking District is damaged or destroyed, any nonconformity as to the applicable off-street parking for said structure may be resumed if the structure is reconstructed, repaired or rebuilt in accordance with the applicable Community Design Guidelines Manual and all other applicable requirements. See also Section 6867.

(Added by Ord. No. 8407 (N.S.) adopted 5-18-94)
 (Amended by Ord. No. 9620 (N.S.) adopted 12-10-03)

5762 CONCURRENT REVIEW.

The Site Plan required by Section 5756 shall be submitted and reviewed concurrently with an application for a Tentative Map, Tentative Parcel Map, Major or Minor Use Permit or Zone Reclassification. Site Plans and any concurrent applications shall be referred to the appropriate design review board pursuant to Section 5764. The officer or body having jurisdiction over the concurrent application shall also have jurisdiction over the initial adoption of the related Site Plan.

(Added by Ord. No. 7127 (N.S.) adopted 5-7-86)

5764

5764 REVIEW JURISDICTION.

Site Plans concerning property within a designated area shall be referred to the appropriate community design review board pursuant to Section 7157 or in areas where no such board exists, the Director may consider the input of the applicable community planning or sponsor group.

(Added by Ord. No. 7127 (N.S.) adopted 5-7-86)
(Amended by Ord. No. 8236 (N.S.) adopted 5-5-93)
(Amended by Ord. No. 8712 (N.S.) adopted 8-6-96)

5766 TRANSMITTAL OF SITE PLANS FOR REVIEW.

(Added by Ord. No. 7127 (N.S.) adopted 5-7-86)
(Repealed by Ord. No. 8236 (N.S.) adopted 5-5-93)

5798 COMMUNITY DESIGN REVIEW BOARD - ESTABLISHMENT, APPOINTMENT, AND DUTIES.

The establishment, appointment, and duties of the Community Design Review Boards shall be pursuant to Section 396.10 of the San Diego County Administrative Code.

(Added by Ord. No. 7127 (N.S.) adopted 5-7-86)

5799 COMMUNITY DESIGN REVIEW AREAS.

- a. Applicability. The requirements of Section 5750 through 5799, inclusive, apply to the areas that are designated Design Review Areas (Special Area Designator "B"), and to that property within the community of Fallbrook to which the Village 1 (V1), Village 2 (V2), Village 3 (V3), Village 4 (V4), or Village 5 (V5) Zone has been applied. (see Section 8000)
- b. Design Criteria. Site Plans and concurrent applications shall conform to criteria set forth in the applicable Design Guidelines Manual approved by the Board of Supervisors.
- c. Design Review Boards. Site Plans concerning property within designated Design Review Areas shall be referred to the Community's Design Review Board for recommendation pursuant to Section 5766, if such a board exists for the area. The Design Review Board shall advise the Director as to the site plan's conformance with the Community's Design Guidelines Manual. The Review Board's evaluation shall be limited to the design guidelines set forth in the manual, and the Review Board shall cite the specific guideline(s) in instances where a project may be inconsistent with the adopted design manual. The Director may consider the input of the applicable planning or sponsor group in areas where no design review board exists.

(Added by Ord. No. 7127 (N.S.) adopted 5-7-86)
(Amended by Ord. No. 8712 (N.S.) adopted 8-6-96)
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)

TEMPORARY USE REGULATIONS

6100 TITLE AND PURPOSE.

The provisions of Section 6100 through 6149, inclusive, shall be known as the Temporary Use Regulations. The purpose of these regulations is to establish permitted temporary uses and standards and conditions for regulating same.

6102 IDENTIFICATION OF PERMITTED TEMPORARY USES.

The following temporary uses shall be permitted as specified by these regulations:

- a. Circus, Carnival, or Other Outdoor Entertainment Event. The temporary gathering of people for a circus, carnival, or other outdoor entertainment event.
- b. Antique or Art Show on Public Property. The temporary use of public property for antique or art shows.
- c. Religious Assembly. The temporary gathering of people for religious purposes.
- d. Construction Support. Temporary building and structures supporting residential development and major construction.
- e. Reversible Uses of Future Highway Rights-of-Way. Temporary uses on land required for a future County or State Highway.
- f. Travel Trailer Park. The temporary operation of a travel trailer park.
- g. Uses in New Subdivisions. Temporary uses in new subdivisions and other residential developments which support the sale of dwellings and lots within the same subdivision or residential development.
- h. Use of Trailer Coach. Temporary use of a trailer coach for certain purposes.
- i. Use of Public School Sites. Temporary use of a public school site for certain specified purposes.
- j. Certified Farmers' Market. Temporary use of certain public or commercial property for a Certified Farmers' Market.
- k. Meteorological Testing (MET) Facility. Temporary use of a Meteorological Testing (MET) Facility permitted in accordance with Section 6123.

(Amended by Ord. No. 7693 (N.S.) adopted 11-29-89)

(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)

(Amended by Ord. No. 9971 (N.S.) adopted 02-25-09)

6104

6104 TEMPORARY USES SUBJECT TO CONTROLS.

Temporary uses shall be subject to all regulations as would be applied to a permanent principal or accessory use located in the same zone, except as otherwise provided by these regulations.

6106 CIRCUS, CARNIVAL, OR OTHER OUTDOOR ENTERTAINMENT EVENT.

The temporary gathering of people for a circus, carnival, or other outdoor entertainment event may be permitted by the Sheriff through the issuance of a license pursuant to the Uniform Licensing Procedure of the County Code and in compliance with the following provisions:

- a. Location. A circus, carnival or other outdoor entertainment event may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations.
- b. Duration. The period of operation of the circus, carnival or other outdoor entertainment event shall not exceed 5 days.
- c. Noticed Hearing Not Required. The Sheriff may issue a license pursuant to this section without notice or public hearing.

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

6107 ANTIQUE OR ART SHOW ON PUBLIC PROPERTY.

The temporary gathering of people for an antique or art show and sales event may be permitted in compliance with the following provisions:

- a. Location. An antique or art show and sales event may be permitted in any zone provided such event is held on property owned by or under the control of a public agency and which is held pursuant to a permit, license, or leave approved by the governing board of said public agency, which permit, license or lease contains specific authorization for said event. As used in this section, "public agency" includes counties, cities, municipal corporations, political subdivisions, public districts and other public agencies of the State of California.
- b. Duration. The period of operation of the antique or art show and sales event shall not exceed 3 days.

(Amended by Ord. No. 6937 (N.S.) adopted 4-10-85)

6108 RELIGIOUS ASSEMBLY.

The temporary gathering of people for religious purposes may be permitted in compliance with the following provisions:

- a. Location. A religious assembly may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations.
- b. Duration. The period of operation of the religious assembly shall not exceed 8 days.

(Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)

6110 CONSTRUCTION SUPPORT.

Temporary buildings for commerce or industry incidental to residential development, and temporary structures for the housing of tools, equipment, building assembly operations and supervisory offices in connection with major construction projects shall be permitted in any zone; provided such temporary buildings or structures are located within or adjacent to the development or construction site to which they are incidental.

6112 REVERSIBLE USES ON FUTURE HIGHWAY RIGHTS-OF-WAY.

Any temporary use, not involving any significant investment in buildings, structures, or other improvements may be permitted through the issuance of a Major Use Permit on a lot or parcel of land provided the Director, Department of Public Works or the District Director of the California Department of Transportation has determined that said lot or parcel will be required in its entirety at some future date for a County Highway or a State Highway. Alternatively, a Major Use Permit may be granted for any use pursuant to a bonded agreement in an amount sufficient to ensure the removal of all buildings, structures, and other improvements within a specified time and/or under specified conditions when the decision-making body finds that such agreement will carry out the intent of this Ordinance and is enforceable by the County.

(Amended by Ord. No. 8506 (N.S.) adopted 3-1-95)

6116 USES IN NEW SUBDIVISIONS.

Certain temporary uses as specified herein may be established within a subdivision for which a final map has been recorded, or in a proposed subdivision for which a tentative map has been approved and a final map thereof filed for approval by the Director of Public Works; or in conjunction with an individual multiple dwelling or multiple dwelling complex; solely for the marketing of dwellings, and/or lots, in the same residential development.

- a. Permitted Uses. The following temporary uses may be permitted in conformance with the following standards:
 1. Model homes in a number not to exceed that necessary to provide one example of each dwelling type being offered in the residential development. Reversed floor plans and exterior facade variations will not be considered as separate dwelling types. Each model home shall be erected on an individual site which conforms to a lot shown on the recorded final map or on the final map filed for approval with the Director of Public Works; meet all setback requirements of the applicable zone or, in the case of provisional reclassification, of the zone to which the property has been provisionally reclassified; and qualify in all respects for sale and residential occupancy upon termination of its use as a model home.
 2. Real estate sales office facilities for the purpose of promoting the sale or rental of dwellings and/or lots, which are located only within the same residential development or proposed subdivision. The foregoing provisions of this section notwithstanding, a temporary real estate sales office facility may be located adjacent to the residential development to which it is incidental in compliance with all other provisions of this section.
 3. Off-street parking facilities.

4. Children's play areas, landscaping and landscape features such as walkways, pools, benches, walls, fencing, and similar appurtenant features of a noncommercial nature.

NOTE: See Section 6268 (c.2. & e.) for related temporary on-site signage allowances and requirements, and Section 6717 (c.) for water management plan requirements.

- b. No use authorized by this section will be located, installed or operated in a manner that will have an unnecessarily adverse effect on the use and enjoyment of any property on which an occupied dwelling is located, or may be located during the duration of such authorized use.
- c. Building Permits. Prior to the issuance of building permits for the temporary uses in "a" above, the following conditions shall be met:
 1. When the residential development for which such temporary uses are to be constructed would constitute a subdivision, a tentative subdivision map must be approved and the final map thereof recorded; or if a final map has not been recorded, a final map must be filed with the Director of Public Works for approval and approved by said Director as to conformance to the tentative subdivision map and mathematical accuracy.
 2. Appropriate zoning must be in effect for the property encompassed by the subdivision or proposed subdivision or other residential development, to accommodate the lot sizes shown on the final map and the proposed uses thereof; provided, however, that where subject property has been provisionally reclassified, lot sizes and proposed uses may conform to the zone to which such property has been provisionally reclassified.
 3. Necessary sanitary facilities must be provided as required by the Director of Environmental Health.
 4. The property owners shall execute and file with the County and acknowledged agreement (notarized) assuming all risks inherent in construction prior to recordation of a final map and agreeing to abide by all conditions set forth in this Section prior to the sale of any model home; further agreeing that all temporary uses permitted by this section shall be terminated not later than 30 months after issuance of building permits therefore, unless a written request for extension of time has been submitted to and approved by the Director prior to the expiration of said 30 months, and within 30 days of the expiration of said 30 months or extension thereof, all temporary uses and related improvements other than model homes, shall be completely removed from the premises and all model homes shall be restored to a condition suitable for sale for residential occupancy, including reconversion of any garage to a condition suitable for the storage of private vehicles or the provision by other means of required off-street parking spaces. In the case where the final subdivision map has not been recorded, the property owner shall further agree that in the event of a final map which includes the property whereon uses authorized by this section are located is not recorded prior to expiration of the Tentative Map, all uses and related improvements, including model homes, shall be completely removed from the premises and the site restored to a clean and safe condition within 90 days from the date of expiration of the Tentative Map. Each agreement shall also contain a statement signed by the property owner agreeing that is all uses and related

improvements are not removed as herein required, they may be removed or demolished, and the site restored by the County without further notice. Prior to the erection of any model home, the property owner shall post with the Director a bond in an amount satisfactory to the Director sufficient to defray any expense incurred by the County in either the restoration or conversion of the model homes to a condition suitable for sale for residential occupancy, or in the complete removal or demolition of said uses and improvements and site restoration. The bond shall be released to the property owner or person legally entitled thereto upon satisfactory removal or conversion of the concerned facilities.

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)
 (Amended by Ord. No. 6506 (N.S.) adopted 1-5-83)
 (Amended by Ord. No. 7110 (N.S.) adopted 4-2-86)
 (Amended by Ord. No. 8157 (N.S.) adopted 10-14-92)
 (Amended by Ord. No. 8581 (N.S.) adopted 9-20-95)
 (Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)
 (Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)

6118 USE OF A TRAILER COACH.

The temporary use of a trailer coach for the following purposes may be permitted in compliance with the following conditions:

a. Business Uses.

1. Business office for a financial institution or public utility which is required, as a condition of a franchise granted by the United States, the State or a public agency, to maintain a place of business at a location at which no permanent structure suitable for the purpose is available.
2. Business office incidental to and located on a site on which a temporary carnival, circus, amusement center, Christmas tree sales or similar temporary or seasonal business is being lawfully conducted.
3. Business office or sales facility on or adjacent to a site on which construction of a permanent business office or sales facility for use of the permittee is being diligently prosecuted.
4. Construction office on or adjacent to any site on which a building or construction project is being diligently prosecuted; or for temporary offices on a site used for a borrow pit, quarry, asphalt paving plant, concrete batch plant, or mining operation for which a major use permit has been granted.
5. Political campaign office located on private property for a period not to exceed one year provided, however, such trailer shall be removed within 15 days following the next general election held after such trailer is sited.

6. Real estate sales office when the trailer coach is located on a lot or parcel of land adjacent to or within a proposed subdivision for which a Tentative Map has been approved and a final map thereof submitted to the Department of Public Works for checking to which such real estate office is incidental. Such permit may be issued to expire six months after completion of all sales but not exceed a period of three years.
7. Business office associated with the production and distribution of agricultural or horticultural products grown on the premises in zones subject to the A70, A72, S87, S90, and S92 Use Regulations upon issuance of an Administrative Permit for a period of not to exceed five years.
8. Government service uses in accordance with the provisions of Section 6120.

b. Residential Uses.

1. Dwelling to accommodate visiting relatives for a period not to exceed thirty (30) calendar days in any calendar year on land owned or leased by the host and on which there is located a permanent dwelling occupied by the host.
2. Dwelling on land owned by the applicant on which the applicant is diligently pursuing construction under a valid building permit for the first permanent dwelling, subject to the following requirements:
 - a) Prior to the issuance of a temporary occupancy permit for trailers exceeding 8 feet in width or 40 feet in length, the applicant shall post security with the Director in a form and amount to be determined by the Director.
 - b) If the applicant fails to comply with the terms of the temporary occupancy permit, the security shall be used to defray any costs incurred by the County in removing the trailer coach.
 - c) If the applicant complies with the terms of the temporary occupancy permit, then, upon removal of the trailer coach by the applicant, the full amount of the deposit shall be refunded or security released.
 - d) The trailer coach shall maintain all setbacks required for the main building except that the Director may waive meeting the rear yard setback otherwise required by this ordinance provided such waiver is necessary to prevent interference with construction activities and the trailer will be located no closer to the rear lot line than the required interior side yard setback.
3. A dwelling for temporary health care on a lot where there is a permanent single family dwelling is permitted subject to the requirements set forth below. This trailer is exclusively for temporary occupancy by either: (a) providers of health services which are required by an occupant of the main dwelling, or (b) relatives of an occupant of the main dwelling who require physical care.

The following are requirements for health care trailer approval:

- a) The health care unit shall be a trailer or mobilehome not exceeding 800 square feet measured from the interior surface of the exterior walls
 - b) The trailer shall meet main building setbacks.
 - c) The trailer shall be connected to existing utility systems or required expansion of said systems on site whenever possible.
 - d) Prior to issuance of a building permit for a health care trailer a Certificate of Need signed by a physician licensed to practice medicine in the State of California shall be submitted to and approved by the Director. The Certificate shall be renewed annually at the request of the Director.
 - e) When the health care need no longer exists, the unit shall be removed. Failure to comply is a violation of The Zoning Ordinance and may result in any or all remedies or penalties specified in the Enforcement Procedures commencing with Section 7700, including a \$1,000 fine per day or six months jail sentence or both.
 - f) The applicant shall furnish security in the form and amount determined by the Director for health care trailers exceeding 8 feet in width and 40 feet in length in order to ensure removal of a health care trailer when the need no longer exists.
 - g) If the applicant complies with the terms of the temporary occupancy permit, then, upon removal of the trailer coach by the applicant, the full amount of deposit shall be refunded or security released.
- 4. Dwelling for security personnel on or adjacent to any site on which construction of a major residential, commercial, industrial or public works project is being diligently prosecuted and for which security personnel are employed.
 - 5. Dwelling for security personnel on any site on which construction of a residential, commercial, industrial or public works project has been completed and for which security personnel are employed pending construction of permanent dwelling facilities for such security personnel.
 - 6. Dwelling for security personnel on a site used for a borrow pit, quarry, asphalt paving plant, rock rushing plant, concrete batch plant, or mining operation for which a Major Use Permit has been granted.

7. Dwelling for displaced residents or security personnel on a site where the principal dwelling has been rendered unoccupiable by reason of disaster or accident such as fire, wind, flood, earthquake or other similar circumstance. Permits for such temporary dwellings shall expire at such time as the principal dwelling has been repaired or replaced, or upon expiration of the building permit for such repair or replacement. Additionally, the permit for such temporary dwelling shall expire one year after the event causing the damage or destruction of the principal dwelling if no building permit has been issued for the repair or replacement of such principal dwelling.

c. Termination of Use.

1. When use of a trailer coach is related to a use authorized by a use permit or Administrative Permit, occupancy or use of the trailer coach shall terminate with the expiration, abandonment or revocation of the related use permit and thereafter said trailer coach shall be removed from subject property.
2. When use of a trailer coach is related to the construction of a related permanent facility, occupancy or use of the trailer coach shall terminate upon completion of construction of the permanent facility and thereafter said trailer coach shall be removed from subject property.

- d. Compliance with County Code. The use and occupancy of any trailer coach shall comply with the provisions of Chapter 2, of Division 5, Title 5, of the County Code or Regulatory Ordinances relating to trailer coaches.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
 (Amended by Ord. No. 5684 (N.S.) adopted 1-16-80)
 (Amended by Ord. No. 6082 (N.S.) adopted 6-10-81)
 (Amended by Ord. No. 6654 (N.S.) adopted 9-21-83)
 (Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)
 (Amended by Ord. No. 6983 (N.S.) adopted 7-03-85)
 (Amended by Ord. No. 7109 (N.S.) adopted 4-02-86)
 (Amended by Ord. No. 7110 (N.S.) adopted 4-02-86)
 (Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)
 (Amended by Ord. No. 7306 (N.S.) adopted 5-20-87)
 (Amended by Ord. No. 7468 (N.S.) adopted 5-04-88)
 (Amended by Ord. No. 7482 (N.S.) adopted 5-18-88)
 (Amended by Ord. No. 7640 (N.S.) adopted 7-03-89)
 (Amended by Ord. No. 8205 (N.S.) adopted 2-03-93)
 (Amended by Ord. No. 8555 (N.S.) adopted 7-14-95)
 (Amended by Ord. No. 8962 (N.S.) adopted 9-23-98)
 (Amended by Ord. No. 9690 (N.S.) adopted 12-15-04)

6120 GOVERNMENT SERVICE USES.

The temporary use of buildings on private land to provide government service uses classified as Major Impact Services and Utilities may be permitted through the issuance of an Administrative Permit in compliance with the following provisions:

- a. Occupancy. The temporary occupancy of buildings for government service uses shall be by the United States, the State or other governmental agency which is otherwise exempt from regulation by The Zoning Ordinance when utilizing their own property.
- b. Location. Government service uses may be permitted in zones subject to the C36, C37, C38 or C40 Commercial Use Regulations.
- c. Duration. The period of operation of government service uses shall not exceed five years.
- d. Noticed Hearing and Findings Required. No Administrative Permit for temporary government service uses may be issued unless notice has been given in accordance with the provisions of Section 7605b. and the findings made as set forth in Section 7358.

(Added by Ord. No. 7109 (N.S.) adopted 4-02-86)

6121 TEMPORARY USE OF PUBLIC SCHOOL SITES FOR COMMUNITY RECREATION, PARK AND PLAYGROUND PURPOSES.

Property owned by a public school district and designated by the district as a school site may, prior to construction of actual school facilities, be used on a temporary basis for park and playground purposes provided the following conditions are met:

- a. Types of Uses. Uses shall be limited to athletic and recreational activities, particularly for children, whether or not such activities are organized.
- b. Term of Allowed Temporary Use. The temporary use of a public school site shall not exceed four years unless a major use permit has been approved for such use. The four year period shall run continuously from the first commencement of use under this section.
- c. Hours of Operation. Activities, including setup and preparation, shall not begin prior to 8:00 a.m. nor shall they continue later than 8:00 p.m. Monday through Saturday, and 9:00 a.m. till 6:00 p.m. on Sunday.
- d. Parking. Adequate off-street parking and/or alternative means of transportation shall be provided, such that allowed activities do not result in a need for on-street parking.
- e. Operation and Maintenance. The school district owning or controlling the site in question shall be responsible for operating and maintaining the site and its facilities so that there are no adverse impacts on the public health, safety or neighborhood character. The District shall keep the site clean and well maintained at all times.
- f. Permanent Structures. No building permits shall be issued for permanent structures for the accommodation of any temporary uses, except for fences or restroom facilities that comply with the other requirements of this ordinance.

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- g. All activities at the site shall comply with the County Code of Regulatory Ordinances regarding Noise Control. No amplified sound shall be allowed.
- h. District Rules. The public school district shall adopt policies, rules and regulations concerning use of this section, prior to permitting any use pursuant to this section.

(Added by Ord. No. 7693 (N.S.) adopted 11-29-89)

6122 CERTIFIED FARMERS' MARKET.

A Certified Farmers' Market is allowed on a legal lot provided the following conditions are met:

- a. Location. A Certified Farmers' Market shall be located on public property, or within the C31, C32, C34, C35, C36, C37, C40 or C42 use regulations, or within the S88 use regulations and designated commercial in the Specific Plan. A Certified Farmers' Market shall not be located within a private road easement or on vacant or unimproved land.
- b. Duration. A Certified Farmers' Market shall not operate on more than one day per week.
- c. Hours of Operation. No activities, including setup, preparation, sales and close up, shall begin before 6:30 a.m. or continue after than 10:00 p.m. on Monday through Saturday. On Sunday the applicable hours shall be 7:30 a.m. and 6:00 p.m. respectively.
- d. The sales area shall not disrupt the flow of traffic onto and off of the site.
- e. The market shall have a current Certified Farmers' Market Certificate issued by the County Agricultural Commissioner and shall comply with all applicable laws, including the applicable provisions of the Food and Agricultural Code, the applicable regulations of the California Department of Food and Agriculture and the applicable ordinances of the County.

(Added by Ord. No. 9958 (N.S.) adopted 12-10-08)

6123 METEOROLOGICAL TESTING FACILITY.

The temporary use of a Meteorological Testing (MET) Facility is permitted if the following requirements are met:

- a. An Administrative Permit must be obtained in accordance with the Administrative Permit Procedure commencing at Section 7050. The following findings must be made prior to approval of an Administrative Permit:
 - 1. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
 - i. Harmony in scale, bulk, coverage and density;
 - ii. The availability of public facilities, services and utilities;
 - iii. The harmful effect, if any, upon desirable neighborhood character;
 - iv. The generation of traffic and the capacity and physical character of surrounding streets;

- v. The suitability of the site for the type and intensity of use or development which is proposed; and to
 - vi. Any other relevant impact of the proposed use; and
 - 2. That the impacts, as described in paragraph "a.1." of this section, and the location of the proposed use will be consistent with the San Diego County General Plan; and
 - 3. That the requirements of the California Environmental Quality Act have been complied with; and
 - 4. That the applicant has provided the County with an owner consent letter demonstrating to the satisfaction of the Director that the operator of the MET Facility is authorized to use the property for a MET Facility, unless the operator owns the land upon which the MET Facility will be located.
- b. Location. A MET Facility is prohibited on property subject to the S81 Use Regulations.
 - c. Notification. Notice shall be given to owners of property within 300 feet of the exterior boundaries of the property where the MET Facility is located and a minimum of 20 different owners shall be notified pursuant to Section 7060c.
 - d. Setback. The MET Facility shall be set back from property lines and roads the height of the tower or other tallest piece of equipment extended above the ground. The MET Facility shall meet the applicable setback requirements of the zone. The setback requirements of the zone shall apply to all components of the MET Facility including, but not limited to, a tower, guy wires, guy wire anchors and any other necessary equipment.
 - e. Minimum Spacing. The MET Facility shall be spaced at least 500 feet apart from any other MET Facility.
 - f. Area of Disturbance. The MET Facility shall not disturb an area more than is necessary for the base of a tower, the guy wire anchors, other authorized equipment for the Facility and/or an access road. The equipment may include sonar equipment. It is preferred that the Facility be located as close as possible to an existing access road. The area of disturbance shall be clearly shown on the plans.
 - g. Size. The MET Facility is allowed one temporary structure other than a tower or a sonar equipment trailer. The temporary structure is limited to a size of 120 square feet and may be used for storage of equipment for the MET Facility.
 - h. Illumination. There shall be no outdoor light emissions associated with a MET Facility except as required by the Director, the Federal Aviation Administration or other government agency.
 - i. Height. The MET Facility shall be less than 200 feet in height.

- j. Duration. The period of operation of the MET Facility shall not exceed three years from the date of approval of the Administrative Permit unless the Director grants an extension. The MET Facility shall be removed within 30 days of the expiration date of the permit. The Director may grant an extension of time upon the applicant submitting written justification for the continued use of the facility and filing for a modification pursuant to Section 7072. A time extension is no longer needed if the MET Facility is approved by a Use Permit. Once the MET Facility is a part of an approved Use Permit it is no longer considered a Temporary Use.
- k. Security. The operator shall provide a security in the form and amount determined by the Director to ensure removal of the MET Facility. The security shall be provided to DPLU prior to building permit issuance. Once the MET Facility has been removed from the property pursuant to a demolition permit to the satisfaction of the Director, the security may be released to the operator of the MET Facility.

(Added by Ord. No. 9971 (N.S.) adopted 02-25-09)